

UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA
EASTERN DIVISION

JESSICA KRAFT, individually and as parent of minors L.K., S.K., and O.K.; SHELLI SCHNEIDER, individually and as parent of minors A.S. and W.S.; ANNE BAILEY, individually and as parent of minor D.B; AMY LAVELLE, individual and as parent of minors Em.L.and El.L.; ELIZABETH BEATON, individually and as parent of minor M.B.; AMANDA AND TYRELL FAUSKE, individually and as parents of minors C.R.F. and C.J.F; JENNIFER REIN, individually; and JESSICA BERG, individually and as parent of minors A.B. and S.B, individually and on behalf of all others similarly situated,

Plaintiffs,

vs.

ESSENTIA HEALTH, INNOVIS HEALTH, LLC d/b/a ESSENTIA HEALTH, DAKOTA CLINIC PHARMACY, LLC, JOHN DOE MANUFACTURERS, and JOHN DOE DISTRIBUTOR,

Defendants.

Case No. 3:20-CV-00121

**ORDER APPOINTING SPECIAL
MASTER AND AMENDING
SCHEDULING ORDER**

Pursuant to the Court's October 3, 2023 and January 13, 2023 orders, (Doc. 242; Doc. 225), (collectively, the "Special Master Orders") and the parties' agreement on the selection of a special master who will accept the appointment:

IT IS HEREBY ORDERED that Retired Magistrate Judge Karen K. Klein, who the parties represent has agreed to review documents consistent with the Court's Special Master Orders and is willing and able to accept the appointment under the terms of this order and the Special Master Orders, is appointed as Discovery Special Master for the purpose of reviewing

documents and making recommendations on whether defendants Essentia Health and Innovis Health LLC d/b/a Essentia Health (collectively, “Essentia”) have met their burden of establishing one or more privileges as to each document over which Essentia maintains a claim of privilege.

IT IS FURTHER ORDERED that Defendants’ deadline to submit documents to the special master as to which, after reviewing the standards outlined in the Court’s Special Master Orders, they maintain their claims of privilege shall be **January 5, 2024**.

IT IS FURTHER ORDERED that Defendants shall produce documents to Plaintiffs as to which, after reviewing the rulings and standards outlined in the Court’s Special Master Orders, they no longer assert claims of privilege, on a rolling basis, with the first production occurring on **December 15, 2023**, and with completion no later than **January 5, 2024**.

IT IS FURTHER ORDERED that the August 3, 2023 Scheduling Order, (Doc. 241), is amended follows:

1. Substantial completion of document production will be completed by July 30, 2024.
2. The parties shall have until September 30, 2024, to amend pleadings or file motions to join additional parties.
3. The parties shall have until September 30, 2024, to move to add claims for punitive damages.
4. Fact discovery shall be completed by November 18, 2024.
5. The parties shall have until December 5, 2024, to file discovery motions.
6. Plaintiffs’ class certification expert disclosures and reports and motion for class certification are due by January 23, 2025.
7. Defendants’ class certification expert disclosures and reports and response to Plaintiffs’ motion for class certification are due by March 8, 2025.
8. Plaintiffs’ reply in support of their motion for class certification and rebuttal class certification experts are due by April 22, 2025.

The Court recognizes that completion of discovery will be dependent on further determinations by the above-referenced special master and the Court and acknowledges that the parties may need to

request additional extensions of time if those determinations remain pending as deadlines approach.

Dated this 7th day of November, 2023.

/s/ Alice R. Senechal

Alice R. Senechal

United States Magistrate Judge